

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

DONALD JOSEPH STELLY

CIVIL ACTION NO. 07-1598

VS.

JUDGE MELANÇON

CECIL BRENT COREIL, ET AL.

MAGISTRATE JUDGE HILL

JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein [Rec. Doc. 4], and after an independent review of the record including the objections filed by plaintiff [Rec. Doc. 5], and having determined that the findings and recommendation are correct under the applicable law, it is

ORDERED that plaintiff's civil rights complaint is **DISMISSED WITH PREJUDICE** subject to reassertion if the requirements of *Heck v. Humphrey* are met.

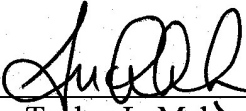
IT IS FURTHER ORDERED that plaintiff's claims against Judges Aucoin, Peters, Doucet and Bertrand are **DISMISSED WITH PREJUDICE** pursuant to the provisions of 28 U.S.C. §§1915(e)(2)(B)(iii) and 1915A(b)(2) on grounds that these Judges enjoy judicial immunity from suit.

IT IS FURTHER ORDERED that plaintiff's claims against District Attorney Coreil and Assistant District Attorney Vidrine are **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(iii) and 1915A(b)(2) on grounds that they enjoy prosecutorial immunity from suit.

IT IS FURTHER ORDERED that plaintiff's claims against criminal defense attorney Lopez are **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C.

§§1915(e)(2)(B)(ii) and 1915A(b)(1) because plaintiff has failed to state a claim upon which relief may be granted.

THUS DONE AND SIGNED at Lafayette, Louisiana, this 7th day of December, 2007.



Tucker L. Melançon
UNITED STATES DISTRICT JUDGE